

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-10-38-R
)	
CHARLES ALAN DYER,)	
)	
Defendant.)	

DEFENDANT’S MOTION IN LIMINE

Comes Now the Defendant pursuant to LCrR 12.4 and requests that the Court grant a motion in limine and that the United States be precluded from testifying or offering certain evidence in this matter.

STATEMENTS OF FACTS

The Defendant was indicted on the charge of Failure to Register a Destructive Device. [Title 26 U.S.C. §§5861(d), 5872, 2461(c)] During the search of the Defendant’s residence items were found in the proximity of the device and were seized by officers. These items include but are not limited to protective armor, inert or “dummy grenades”, gas mask, bullet proof vests, air soft silencer, NAWA 1500 Rifle. [See Search Warrant Return] The defendant also consented to a search of a storage building wherein items were found including, but not limited to, ammunition, and additional items related to firearms and military gear. [See Search Warrant Return] The Defendant was not charged with any crime related to the above mentioned by items.

ARGUMENTS AND AUTHORITIES

The Defendant requests that the United States be precluded from introducing evidence related

to the above items. These items are irrelevant to the issues and or facts of the case. Federal Rules of Evidence Rule(s) 401 and 402. The use of said testimony or evidence would be prejudicial to the defendant and deny the Defendant a fair trial. Federal Rules of Evidence Rule 403.

Wherefore, the Defendant requests that the Motion in hand be sustained and that all witnesses for the United States be precluded from testifying about the above mentioned items.

Respectfully submitted,

/s/ David W. Hammond
David W. Hammond, OBA # 12320
Stuart, Frieda & Hammond, P.C.
1111 W. Willow, Ste. 100
Duncan, OK 73533
Telephone (580) 252-9033
Facsimile (580) 252-6251
sfhpc@sfhpc.net
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2010, I electronically transmitted the attached document to the Clerk of Court using ECF System for filing and transmittal of a Notice of Electronic Filing to ECF registrants.

/s/ David W. Hammond
David W. Hammond